

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, March 9, 2016

Present: Brian Duncan, Chair
 Christopher Glass, Sr., Commission Member
 Anthony Ventre, Commission Member
 Beverly Freed, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

Absent: Stephen K. Hess, Vice Chair
 Timothy Tosten, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on March 9, 2016, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

October 14, 2015 meeting minutes - A draft of the minutes was provided to the Commission members before the meeting. Mr. Duncan voted to approve the minutes. Mr. Ventre and Ms. Freed abstained, as they were not present for the October meeting. (Mr. Glass was not present for the vote.)

Update on the new Ethics Law – The new Ethics Law takes effect on April 30, 2016. The key changes to the Law are as follows:

1. The size of the Ethics Commission will increase to seven members and one alternate member. Service on the Commission will be limited to two full consecutive three-year terms.
2. The Commission will be required to develop procedures and policies that include the reconsideration of advisory opinions.
3. The Commission will be able to issue subpoenas for witnesses and records if approved by six of the Commission members. Before issuing a subpoena, a majority of the members must determine that the complaint has merit.
4. The Law restricts the ability of elected officials, certain defined relatives of an elected official and business entities in which the elected official or relative has a financial interest to enter into contracts with the County.
5. The County's Chief Administrative Officer, Division Directors and members of the Planning Commission and Board of Zoning Appeals will be required to file more detailed financial disclosure statements.

6. If the Commission issues a finding against an official or employee who is the subject of a complaint, the Commission will be required to include the subject's name in the decision.
7. Retaliation against a complainant, representative or witness will be prohibited.

Proposed revisions to the Commission's Standard Operating Procedure – Mr. Duncan distributed the procedures used by the Anne Arundel County Ethics Commission to resolve complaints. The Commission members decided to schedule additional public meetings in April to discuss recommended changes and obtain comments from the public. John Helms agreed to provide the recommendations that he made to the Ethics Task Force for changes to the Standard Operating Procedures. The Commission members asked that the State's Attorney be contacted to follow up on his offer to provide written guidelines for referrals to his Office when complaints contain allegations of criminal conduct. A Word version of the Standard Operating Procedures will be circulated to the Commission members.

Discussion of standards for requests for reconsideration – The Commission discussed whether it should allow requests for reconsideration of Ethics Commission decisions on complaints alleging violation of the Ethics Law. The members noted that there is no authority in the Ethics Law or the Standard Operating Procedures for reconsideration of decisions on complaints. The change to the Ethics Law regarding reconsideration of Advisory Opinions does not apply to Commission decisions on complaints. The Commission asked that a letter to two individuals requesting reconsideration of prior Ethics Commission findings on their complaints be prepared for the Chair's signature.

Adjournment

The Ethics Commission adjourned its meeting at approximately 7:25 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney